

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
MERVYN FRANKEL,

Plaintiff,

- against -

NEW YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, et al.,

Defendants.  
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

In a fax letter to me dated January 8, 2008, plaintiff said that he would be sending me a cross-motion for summary judgment. Accordingly, at the end of my 1/17/08 Memorandum and Order, I set forth an amended briefing schedule calling for defendants' motion by March 7 and plaintiff's cross-motion by March 24. To my surprise, plaintiff served his motion first, on February 13. His motion was four inches thick. On February 20, I held a telephone conference with Mr. Frankel and Mr. Madden, and I amended the briefing schedule as follows:

Any dispositive motions must be directed to me. Plaintiff's motion for summary judgment was served on February 13, 2008. Defendants' opposing papers (and cross-motion, if any) must be served and filed on or before March 14, 2008. Plaintiff's reply (and opposition to any cross-motion) must be served and filed on or before March 31, 2008; Plaintiff's reply memorandum must contain no more pages than 50% of the number of pages in defendants' opposing memorandum; Plaintiff's memorandum opposing the cross-motion must contain no more pages than the number of pages in defendants' memorandum supporting the cross-motion. Defendants must not file any "surreply" as to plaintiff's motion; however, if defendants have made a cross-motion, then they may serve reply papers (limited to that cross-motion) on or before April 14, 2008; their reply memorandum must contain no more pages than 50% of the number of pages in plaintiff's memorandum opposing the cross-motion. There will be no other

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06 Civ. 5450 (LTS) (DFE)

07 Civ. 3436 (LTS) (DFE)

MEMORANDUM AND ORDER

These are not ECF cases

papers. I will then write a Report and Recommendation to Judge Swain.

I now turn to Mr. Madden's February 25 letter and Mr. Frankel's February 26. In essence, Mr. Frankel asks me to redact or seal those portions of his February 13 papers that contain "personal information such as social security information that can leave me open to identity theft." I direct Mr. Frankel to send me a letter specifying each page and line where such information appears. Mr. Madden should use his best efforts to avoid mention of such information (or to redact it from his public filings and submit it to me in a side letter). Meanwhile, I will hold the February 13 papers in my chambers until I can make arrangements to redact (a) pages T0001-T0005 and T0008-T0011 from Exhibit 3, and (b) the information specified by Mr. Frankel.



DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
February 28, 2008

Copies of this Memorandum and Order are being sent by mail to:

Mervyn Frankel  
144-16 68 Drive  
Flushing, NY 11367  
(also by fax to 718-263-4564)

Kevin A. Madden, Esq.  
New York City Law Department  
100 Church Street, Room 2-108  
New York, NY 10007  
(also by fax to 212-788-8877)

Hon. Laura Taylor Swain